

**TOWN OF MOULTONBOROUGH**  
**Town Meeting Minutes**  
**March 8, 2011 – March 12, 2011**

Moderator Mel Borrin called the Town meeting to order on March 8, 2011 at 7:00 AM. The election was held in the Moultonborough Public Safety Building meeting room. Mr. Borrin proceeded to read warrant Article 1 and Article 2. At that time Jerry Hopkins made a motion, seconded by Sally Carver to dispense with the reading of the remaining articles on the ballot. This was voted in the affirmative by voice vote. School District Moderator Jerry Hopkins proceeded to read the school warrant.

Balloting proceeded immediately, ballots resulting as follows.

Votes Cast - 1185

Selectmen for Three (3) Years – (Vote for not more than two)

Russell C. Wakefield	641
Edward J. Charest	524
Peter Jensen	463
Christopher Shipp	429

Tax Collector for Three (3) Years - (Vote for not more than one)

Susette M. Remson	1019
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Town Clerk for Three (3) Years – (Vote for not more than one)

Barbara E. Wakefield	1040
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Trustee of Trust Funds for Three (3) Years (Vote for not more than one)

John H. Porter Jr.	907
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Library Trustee for Three (3) Years (Vote for not more than two)

Phyllis D. Prouty	920
Jane Coyne	884

Zoning Board Member for Three (3) Years (Vote for not more than two)

Timothy Tinel	352
Russell S. Nolin	767
Robert H. Stephens	616

Planning Board Member for Three (3) Years (Vote for not more than two)

Judith A. Ryerson	565
Brett E. Balise	479
Thomas Howard	598

## **ARTICLE 2**

Shall we adopt the provisions of RSA 40:13 (known as SB 2) to allow official ballot voting on all issues before the Town of Moultonborough on the second Tuesday of March?”(By Petition)(Not Recommended by Selectmen 5 - 0) (Not Recommended by the Advisory Budget Committee 6 - 0)

YES - 456

NO - 696

## **ARTICLE 3**

Are you in favor of Amendment No. 1 as proposed by the Planning Board for the Town Zoning Ordinance as follows: To see if the Town will vote to amend the Zoning Ordinance to create a Table of Permitted Uses in Article VI “Commercial Uses”, which represents the currently accepted uses and those that require Special Exception or are Not Permitted in all zoning districts, and replaces the wording in each zone currently in the ordinance. This is a formatting change only; no changes to any uses are proposed.

(Recommended by Planning Board 7 - 0)

YES - 813

NO - 262

## **ARTICLE 4**

Are you in favor of Amendment No. 2 as proposed by the Planning Board for the Town Zoning Ordinance as follows: To see if the Town will vote to amend the Zoning Ordinance to amend the lot coverage wording in Article VI (F)(3) to reflect changes approved at Town Meeting in 2010 to remove the words “50 percent” from the following sentence: “Any easement for public use, such as a pathway or walkway through the lot shall not be counted in the 50 percent lot coverage calculation.”

(Recommended by Planning Board 7 - 0)

YES - 818

NO - 256

## **ARTICLE 5**

Are you in favor of Amendment No. 3 as proposed by the Planning Board for the Town Zoning Ordinance as follows: To see if the Town will vote to amend the Zoning Ordinance Article VI (A)(5) Site Plan Review to exclude the need for Site Plan Review for all commercial uses on lots under 1 acre that develop under 200 sq. ft. (cumulatively) of area, or for lots over 1 acre, development under 500 sq. ft. (cumulatively) unless such use creates over 100 vehicle trips per day or is determined by the Code Enforcement Officer to have a substantial impact on Town services or the surrounding neighborhood. All commercial or multi-family development above these thresholds must still receive Site Plan Approval.

(Recommended by Planning Board 7 - 0)

YES – 739

NO - 353

## **ARTICLE 6**

Are you in favor of Amendment No. 4 as proposed by the Planning Board for the Town Zoning Ordinance as follows: To see if the Town will vote to amend the Zoning Ordinance Article VII(B)(3) and (4) – Non-Conforming Uses and Properties, to remove this section and prohibit expansions of primary structures into setback areas, by the amount of the structure already intruding into the setback. (For example, an intrusion of 200 sq. ft. could expand by up to 200 sq. ft. more into the setback. This amendment will remove this ability.)

(Recommended by Planning Board 7 - 0)

YES - 725

NO - 360

#### **ARTICLE 7**

Are you in favor of Amendment No. 5 as proposed by the Planning Board for the Town Zoning Ordinance as follows: To see if the Town will vote to add a new Article XIV – Steep Slopes Ordinance which shall apply standards to all development requiring a Building Permit, Subdivision Approval and/or a Site Plan Review Permit, where the proposed site disturbance is 20,000 sq. ft. in the aggregate on slopes of 15 percent or greater. No construction on slopes over 25% shall be permitted.

**(Recommended by Planning Board 7 - 0)**

YES - 810

NO – 292

#### **ARTICLE 8**

Are you in favor of Amendment No. 6 as proposed by the Planning Board for the Town Zoning Ordinance as follows: To see if the Town will vote to amend Article VI (E) to revise the criteria for granting Special Exceptions for Commercial Uses outside of the three (3) Commercial Zoning Districts. Commercial Uses wishing to be located outside of these districts will be required to meet these new standards, including a screening requirement to minimize impacts to neighboring properties.

**(Recommended by Planning Board 7 - 0)**

YES - 795

NO - 297

#### **ARTICLE 9**

Are you in favor of Amendment No. 7 as proposed by the Planning Board for the Town Zoning Ordinance as follows: To see if the Town will vote to amend Article V (A)(4) Signs to allow all types of real estate signs, as being exempt from the Sign Permit procedure as follows: “Temporary real estate signs advertising property on which the signs are located, not exceeding three (3) feet by four (4) feet in size and limited to two signs per lot. Additionally, off premise directional signs offering real estate, must comply with the 1993 policies of the Moultonborough Board of Selectmen or amendments thereto”. The current ordinance only allows real estate signs advertising property for sale.

**(Recommended by Planning Board 5 - 2)**

YES - 416

NO - 709

At 8:30 PM, the Moderator recessed the meeting until Saturday March 12, 2011.

#### **SATURDAY MARCH 12, 2011**

Moderator Mel Borrin called the town meeting to order at 9:30 AM. The meeting was held at the Moultonborough Academy Auditorium.

#### **ARTICLE 10**

To see if the Town will vote to raise and appropriate the sum of Seven Hundred Thirty Three Thousand dollars (\$733,000) for a road improvement program as generally illustrated below, and to meet said appropriation with funds from a NH Department of Transportation Highway Block Grant of One Hundred Forty Three Thousand dollars (\$143,000) and the balance of Five Hundred Ninety Thousand dollars (\$590,000) from taxation.

Project	Budget
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Sheridan Road (Reconstruction of 1,500 +/- lf & Shim & Overlay 1,700 +/- lf)	\$275,000
Eagle Shores Shim & Overlay (6,300 +/- lf)	\$216,000
Birch Lane – Shim (3,300 +/- lf)	\$88,000
Engineering	\$100,000
Contingency	\$54,000
<b>TOTALS</b>	<b>\$733,000</b>

Note: Inclusion of any road on this list was based upon a condition assessment and budget estimate prepared in November of 2010. It is no guarantee of work being undertaken on the identified roadway. Final construction decisions are made upon detailed engineering and actual bids received with work deletions or additions based upon the final bids.

**(Recommended by Selectmen 5 - 0)**

**(Recommended by Advisory Budget Committee 6 - 0)**

A motion was made by Road Agent Scott Kinmond and seconded by Selectwoman Betsey Patten to bring the article to the floor.

A motion was made by Rick Buckler and seconded by Karel Crawford to dispense of the second reading of the articles through the end of the meeting. This was voted in the affirmative by majority voice vote.

Article 10 was voted in the affirmative by a majority voice vote.

#### **ARTICLE 11**

To see if the Town will vote to raise and appropriate the sum of Three Hundred Twenty Eight Thousand dollars (\$328,000) for a program of capital improvements and expenditures, and equipment as generally illustrated below, and to meet said appropriation by a withdrawal of Fifty Five Thousand dollars (\$55,000) from the Highway Equipment Capital Reserve Fund and the balance of Two Hundred and Seventy Three Thousand dollars (\$273,000) from taxation.

a.	Fire Dept. (Turn-Out Gear)	\$	15,000
b.	Fire Dept. (Fire Boat)	\$	163,000
c.	Highway Dept. (6 Wheel Dump Truck w/Plow & Wing)	\$	150,000
	<b>Total</b>	<b>\$</b>	<b>328,000</b>

**(Recommended by Selectmen 5 - 0)**

**(Recommended by Advisory Budget Committee 6 - 0)**

A motion was made by Selectwoman Karel Crawford and seconded by Selectman Joel Mudgett. This article was voted in the affirmative by a majority voice vote.

#### **ARTICLE 12**

To see if the Town will vote to raise and appropriate the sum of Two Hundred Twenty Seven Thousand Five Hundred dollars (\$227,500) and to deposit the same in the following Capital Reserve Accounts.

Personnel Liability CRF	\$	14,500
Community Substance CRF	\$	9,500
Communication Technology CRF	\$	22,500
Reappraisal CRF	\$	24,000
Firefighting Equipment CRF	\$	75,000
Police Communications CRF	\$	7,000

Highway Equipment CRF

	\$	75,000
<b>Total</b>	<b>\$</b>	<b>227,500</b>

**(Recommended by Selectmen 5 - 0)**

**(Recommended by Advisory Budget Committee 6 - 0)**

A motion was made by Selectwoman Karel Crawford and seconded by Selectman Joel Mudgett.  
This article was voted in the affirmative by a majority voice vote.

### **ARTICLE 13**

To see if the Town will vote to raise and appropriate the sum of Two Hundred Twelve Thousand dollars (\$212,000) and to deposit the same in the following Maintenance Trust Fund Accounts:

Milfoil	\$	200,000
Lee's Mills	\$	2,000
Dry Hydrant	\$	10,000
<b>Total</b>	<b>\$</b>	<b>212,000</b>

**(Recommended by Selectmen 5 - 0)**

**(Recommended by Advisory Budget Committee 6 - 0)**

A motion was made by Selectwoman Betsey Patten and seconded by Jerry Hopkins.  
This article was voted in the affirmative by a majority voice vote.

### **ARTICLE 14**

To see if the Town will vote to discontinue the so-called Recreation Revolving Fund (Article 50 of the 1994 Town Meeting) with the balance of One Hundred Sixty Three Thousand Three Hundred Twenty Two dollars (\$163,322) as of December 31, 2010 and said sum, together with any accrued interest or additional principal due thereto at the time of discontinuance, being credited to the General Fund.

**(Recommended by Selectmen 4 - 1)**

**(Recommended by Advisory Budget Committee 6 - 0)**

A motion was made by Selectwoman Karel Crawford and seconded by Jean Beadle.  
This article was defeated by a majority hand count.

### **ARTICLE 15**

To see if the Town will vote to amend its action under Article 10 of the 2010 Annual Town Meeting, relative to the appropriation for Fox Hollow Road intersection improvements, by striking the amended date of December 30, 2011, at which time the appropriation was to lapse, and inserting in lieu thereof the date of December 30, 2013 or upon receipt of the grant and the project is completed, whichever is sooner.

**(Recommended by Selectmen 5 - 0)**

**(Recommended by Advisory Budget Committee 6 - 0)**

A motion was made by Road Agent Scott Kinmond and seconded by Bob Stephens.  
This article was voted in the affirmative by a majority voice vote.

### **ARTICLE 16**

To see if the Town will vote to allocate Twenty Five Percent (25%) of the collected land use change tax revenue, but not to exceed Twenty Thousand dollars (\$20,000) per year, pursuant to RSA 79-A and deposit said money in the Conservation Fund already established, in accordance with RSA 36-A:5, III as authorized by RSA 79-A:25, II.

**(Recommended by Selectmen 4 - 1)(Recommended by Advisory Budget Committee 1 Yes – 5 No)**

A motion was made by Marie Samaha and seconded by Keith Nelson to bring the article to the floor.

A motion was made by Tom Howard and seconded by Natt King to amend the percentage in the article to allocate Fifty Percent (50%) of land use change tax revenue, in place of 25%. The article reading as follows:

To see if the Town will vote to allocate **Fifty Percent (50%)** of the collected land use change tax revenue, but not to exceed Twenty Thousand dollars (\$20,000) per year, pursuant to RSA 79-A and deposit said money in the Conservation Fund already established, in accordance with RSA 36-A:5, III as authorized by RSA 79-A:25, II.

The amendment was voted in the affirmative by a majority voice vote.

This amended article was voted in the affirmative by a majority voice vote.

At this time Selectman Chair Joel Mudgett presented retiring Selectwoman Karel Crawford with a gift and recognized her for her many years of dedication. Karel was a selectperson for a total of nine years and chairman for six of those years. Karel thanked everyone for their support throughout the years and stated she is moving on to a new chapter in her life and enjoying her granddaughter.

#### **ARTICLE 17**

To see if the Town of Moultonborough will vote to set the fee for the Waste Management Facility and Beach Permit at \$10.00. Senior Citizens age 65 or older will pay \$5.00 for Waste Management Facility and Beach Permit. Fee will be charged every two years.

**(By Petition)**

**(Not Recommended by Selectmen 5 - 0)**

**(Not Recommended by Advisory Budget Committee 6 - 0)**

This article proceeded in error as a motion and second was not formally made. The moderator brought the motion to the floor by asking if any petitioner would like to speak to the article. After floor discussion on the article a motion was made by Eric Taussig and seconded by Al Hume to amend the article to add the words "to go back to the old fee beginning in January 01, 2013."

The amendment was voted in the affirmative by majority hand vote.

The amended article was defeated by a majority voice vote.

Please note--Upon discussion with DRA, Secretary of State, and Town Counsel on the overlooked motion and second, the directive given was that it was a "harmless error", considering the article was defeated. It was deemed that the intent of the legislative body was made clear and all were given the right to voice opinion.

At this time a motion was made by Christopher Shipp and seconded by Selectwoman Karel Crawford to vote articles 18, 19, and articles 21 through 28 collectively.

This was voted in the affirmative by a majority voice vote.

Moderator Borrin asked if anyone would like to discuss any of these articles and proceeded to read the amounts of each article. He stated that the total amount of all articles is Forty Four thousand, two hundred one dollars (\$44,201.00).

The petitioned articles 18, 19 and 21-28 were voted in the affirmative by a majority voice vote. They are as follows:

#### **ARTICLE 18**

To see if the Town of Moultonborough will vote to raise and appropriate the sum of \$830 for the annual support of services provided to the citizens of this community by the Visiting Nurse Association-Hospice of Southern Carroll County & Vicinity, Inc. The VNA-Hospice agency has been serving the Town residents for many years, and the Town has consistently supported the VNA-Hospice. This year we are asking for less than what was approved last year.

**(By Petition)**

**(Recommended by Selectmen 5 - 0)**

**(Recommended by Advisory Budget Committee 6 - 0)**

#### **ARTICLE 19**

To see if the Town will vote to raise and appropriate the sum of \$7,500 for Tri-County Community Action for the purpose of continuing services of the Fuel Assistance Program for the residents of Moultonborough. **(Recommended by Selectmen 5 - 0)**

**(Recommended by Advisory Budget Committee 6 - 0)**

#### **ARTICLE 20**

This article was voted on after article 28. See Below.

#### **ARTICLE 21**

To see if the Town of Moultonborough will vote to raise and appropriate the sum of Twelve Thousand dollars (\$12,000.00) for the Moultonborough Suicide prevention and Mental Health Coalition to support training for said committee of volunteers, supporting community forums and/or small support groups/training sessions conducted by the trained volunteers/professionals and provide suicide prevention, mental health information, and assist in the support of local access to mental health services within the Moultonborough community for its residents.

**(By Petition)**

**(Recommended by Selectmen 5 - 0)**

**(Recommended by Advisory Budget Committee 6 - 0)**

#### **ARTICLE 22**

To see if the Town will vote to raise and appropriate the sum of \$1,072.00 in support of Starting Point providing advocacy and support to victims of domestic and sexual violence and their children.

**(By Petition)**

**(Recommended by Selectmen 5 - 0)**

**(Recommended by Advisory Budget Committee 6 - 0)**

#### **ARTICLE 23**

To see if the Town will vote to raise and appropriate the sum of Five Hundred dollars (\$500.00) in support of West Wynde Senior Housing.

**(By Petition)**

**(Recommended by Selectmen 5 - 0)**

**(Recommended by Advisory Budget Committee 6 - 0)**

#### **ARTICLE 24**

To see if the Town of Moultonborough will vote to raise and appropriate \$1000 to the Loon Preservation Committee to support the work of the local self funded Loon Center.

**(By Petition)**

**(Recommended by Selectmen 5 - 0)**

**(Recommended by Advisory Budget Committee 6 - 0)**

#### **ARTICLE 25**

To see if the Town of Moultonboro will vote to raise and appropriate Eight Thousand Dollars (\$8,000.00) for the Winnepesaukee Wellness Center.

**(By Petition)**

**(Recommended by Selectmen 5 - 0)**

**(Recommended by Advisory Budget Committee 6 - 0)**

#### **ARTICLE 26**

To see if the Town of Moultonboro will vote to raise and appropriate the sum of \$9,000.00 to be allocated to the Moultonboro/Sandwich Senior Meals Programs.

**(By Petition)**

**(Recommended by Selectmen 5 - 0)**

**(Recommended by Advisory Budget Committee 6 - 0)**

#### **ARTICLE 27**

To see if the Town will vote to raise and appropriate the sum of \$3,000 to establish a tuition assistance fund for Moultonborough children of working families attending the Sandwich Children's Center. There are thirteen families enrolled from Moultonborough, up 13% from last year. Fifty percent of the toddler and preschool age children enrolled are from Moultonborough, NH.

**(By Petition)**

**(Recommended by Selectmen 5 - 0)**

**(Recommended by Advisory Budget Committee 6 - 0)**

#### **ARTICLE 28**

To see if the Town will vote to raise and appropriate the sum of \$1,299.00 to maintain and continue the system of services of the Inter-Lakes Day Care Center.

**(By Petition)**

**(Recommended by Selectmen 5 - 0)**

**(Recommended by Advisory Budget Committee 6 - 0)**

#### **ARTICLE 20**

In 2005 the road called Victory Lane was developed and paved in accordance with the Town of Moultonborough Road specifications by Peter Costa developer. At the time of completion, it was obviously inspected for compliance as it was to be submitted at the next Town Meeting held.

For the second time, we are asking that the Town take over the maintenance of Victory Lane as it has proven to withstand the seasonal changes for the past 5 years with no detrimental effects.

Additionally, we note that since it is in close proximity to the junction of 171, many people use our road to turn around including trucks.

**(By Petition)**

**(Recommended by Selectmen 0 Yes – 0 No - 5 Abstained)**

**(Recommended by Advisory Budget Committee 0 Yes - 4 No - 2 Abstained)**



A motion was made by Selectman Joel Mudgett and seconded by Selectman Ed Charest to bring the article to the floor.

A motion was made by Joel Mudgett and seconded by Betsey Patten to amend article 20 to read as follows:

To see if the Town will vote to accept Victory Lane, as a Class V town road. The Town shall receive a recordable plot plan and deed, which will show the road, right of ways and easements for slopes and drainage.

The plan will show all culverts, water, sewage, electric, telephone and cables under the road or in the right of way.

Any and all expenses will be the responsibility of the petitioner's /owners.

Selectman Mudgett explained that expenses means paperwork such as filing fees.

The amendment was voted in the affirmative by a majority voice vote.

The amended article was voted in the affirmative by a majority voice vote.

## **ARTICLE 29**

To see if the Town will vote to raise and appropriate, subject to any and all changes made at this meeting, the sum of Seven Million Eight Hundred Fifty Sixty Thousand Two Hundred Sixty Eight dollars (\$7,856,268) to pay the expenses of General Government, Public Safety, Highways and Streets (including Cemeteries), Sanitation, Human Services, Visiting Nurse Service, Culture and Recreation, Development Services and Debt Service.

**(Recommended by Selectmen 5 - 0)**

**(Recommended by Advisory Budget Committee 6 - 0)**

A motion was made by Selectman Joel Mudgett and seconded by Selectwoman Karel Crawford to bring the article to the floor.

A motion was made by Tom Howard and seconded by Naomi Strickland to reduce the sum in the Recreation Dept budget by \$25,000.00. This amount of \$25,000 would be appropriated from the recreation revolving fund. After discussion, Tom Howard and Naomi Strickland took back their motion and second.

There was then much discussion on the police departments frozen position and the school resource officer.

A motion was made by Chris Shipp and seconded by Jerry Hopkins to amend the amount to raise and appropriate from (\$7,856,268) to (\$7,931,268). It was requested the additional funds be used to fill the 12<sup>th</sup> position in the police department, even though it was realized the real expenditure is ultimately decided by the selectmen and not allowed to be specified in the article.

The amendment was voted on in the affirmative by a majority hand vote.

The amended article was voted in the affirmative by a majority voice vote.

## **ARTICLE 30**

To see if the Town will vote to raise and appropriate the sum of Four Hundred Forty Four Thousand Sixty dollars (\$444,060) to pay the expense of operating the Public Library.

**(Recommended by Selectmen 5 - 0)**

**(Recommended by Advisory Budget Committee 6 - 0)**

A motion was made by Selectman Joel Mudgett and seconded by Selectwoman Betsey Patten. At this time Phyllis Prouty explained there was a typographical error in the library operating financial report on page 149. The total revenue should read \$101,830.21 not \$101,000.00 as printed. She further explained the amount of \$11,103.52 under Refurbishing and Replacing is left over from the budget. This is put into a tech fund, which was suggested by the Advisory Budget Committee towards computers.

This article was voted in the affirmative by a majority voice vote.

### **ARTICLE 31**

To transact any other business that may legally come before said Meeting.

A motion was made by Chris Shipp and seconded by Susette Remson to adjourn the meeting at 11:30 AM. This was voted in the affirmative by majority voice vote.

A True Copy Attest

Barbara E. Wakefield, Certified Town Clerk